

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In Re: Jeffrey Carman Glenda Carman Debtors	Case #19-14906 Chapter 13 Hon. Jessica E. Price Smith Debtors' Consolidated Reply to Trustee's Objections (Doc # 29, 30) and Objections of U.S. Bank (Doc. #32)
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The Debtors filed a Motion to Modify Plan and the proposed plan, Doc. #21, #22, filed on February 24, 2020, in which they proposed to pay the fully secured portion of the claims of creditors Nationstar Mortgage, LLC and U.S. Bank as Trustee in their entirety through the plan, with the unsecured portions of the claims being paid consistently with the other general unsecured creditors. *DOC. #21, Amended Plan*. The Trustee objects to both the motion to modify, and to the modified plan, on the basis that the Trustee argues the plan is not offered in good faith, and in violation of Section 1322(b)(2) of the Bankruptcy Code. *DOC. #29, #30* filed on March 3, 2020. U.S. Bank, as Trustee objects to confirmation for the same reason, that the proposed amended plan violates Section 1322(b)(2) *DOC. #32* filed on March 5, 2020.

The proposed amended plan intends to cram down the U.S. Bank mortgage, which encumbers not only the Debtor's principal residence, but also approximately five feet of the adjoining dwelling, 2111 Harrison Avenue, Lorain, OH 44055, as shown by the attached Mortgage Location Survey, marked as Exhibit A.

Furthermore, the proposed Amended Plan is wholly consistent with the terms of the existing Mortgage Modification between the Debtors and the agent for U.S. Bank as Trustee, Ocwen Loan Servicing. *See Amended Claim Number 3, filed January 22, 2020, pages 18-29.* Debtor's respectfully submit that the proposed treatment of the U.S. Bank as Trustee secured claim is not in violation of Section 1322(b)(2) of the Bankruptcy Code.

As for the Trustee's argument that the amended plan is not proposed in good faith, this treatment of the unsecured portion of the Nationstar Mortgage, LLC secured claim has been accepted by the creditor and resolved by agreed order. *See Doc. 24* filed February 26, 2020. The proposed treatment of the unsecured portion of the U.S. Bank as Trustee secured claim is consistent with the prior loan modification, which called for the forgiveness of \$51,314.49 of the total principal balance, which is the amount being treated as unsecured by the proposed amended plan. *See Amended Claim Number 3, filed January 22, 2020, pages 18-29.* The remaining unsecured creditors' claims total approximately \$2500. The pro-rata share of the dividend to each of the unsecured creditors will exceed the amount which those creditors would recover in a chapter 7 liquidation proceeding, and is made in good faith.

The Debtors Jeffrey and Glenda Carman respectfully request an evidentiary hearing be scheduled at the earliest convenience of the Court.

Date: 03/12/2020

Respectfully submitted,

/s/ William C. Behrens
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Attorneys for Debtors

CERTIFICATE OF SERVICE

I hereby that on March 12, 2020, a copy of the foregoing Notice were sent electronically via the Court's CM/ECF system to the following registered ECF participants electronically through the Court's Electronic System at the email address registered with the Court:

US Trustee's Office Trustee@usdoj.gov

Lauren A. Helbling lauren@helblinglpa.comhelbling@ecf.epiqsystems.com

Chris E. Manolis, Esq. counsel for Creditors at cmanolis@logs.com

PRA Receivables Management, at claims@recoverycorp.com

And by regular U.S. mail, postage prepaid on:

Debtors, and all Creditors in attached Matrix.

/s/ William Behrens
William C. Behrens 0093031
Of Counsel
DannLaw

Label Matrix for local noticing
0647-1
Case 19-14906-jps
Northern District of Ohio
Cleveland
Thu Aug 8 10:27:02 EDT 2019

Cap One
P.O.Box 26030
Richmond, VA 23260-6030

Howard M. Metzenbaum U.S. Courthouse
United States Bankruptcy Court
Howard M. Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114-1235

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Ally Financial
200 Renaissance Ctr # B0
Detroit, MI 48243-1300

Cap1/Bstby
26525 N Riverwoods Blvd
Mettawa, IL 60045-3440

Capital One Bank
ATTN: Bankruptcy
PO Box 30285
Salt Lake City, UT 84130-0285

Cbna
701 East 60th Street
Sioux Falls, SD 57104-0432

Comenity Bank
ATTN: Bankruptcy
1 Righter Parkway #100
Wilmington, DE 19803-1533

Comenitybank/Victoria
Po Box 182789
Columbus, OH 43218-2789

Comenitybank/Wayfair
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Columbus, OH 43218-2789

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Lorain, OH 44055-3419

Mr. Cooper/Bankruptcy
PO Box 619094
Dallas, TX 75261-9094

Ocwen Loan Servicing LLC
1661 Worthington Road, Suite 100
West Palm Beach, FL 33409-6493

Ocwen Loan Servicing, LLC
att: Bankruptcy Department
PO Box 25736
West Palm Beach, FL 33416

Portfolio
120 Corporate Blvd, Ste 1
Norfolk, VA 23502-4952

Portfolio Recov Assoc
120 Corporate Blvd Ste 1
Norfolk, VA 23502-4952

Synchrony Bank - Bankruptcy Dept.
ATTN: Bankruptcy
PO Box 965060
Orlando, FL 32896-5060

Synchrony Bank - Bankruptcy Dept./Lowe's
ATTN: Bankruptcy
PO Box 965060
Orlando, FL 32896-5060

Synchrony Bank - Bankruptcy Dept./Walmart
ATTN: Bankruptcy
PO Box 965060
Orlando, FL 32896-5060

Target Nb
3701 Wayzata Bv Mailstop
Minneapolis, MN 55416-3440

Trac/Cbna
Po Box 6497
Sioux Falls, SD 57117-6497

Webbank/Fingerhut
6250 Ridgewood Rd
Saint Cloud, MN 56303-0820

Wells Fargo Dealer Svc
Po Box 10709
Raleigh, NC 27605-0709

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Cap One
Po Box 85015
Richmond, VA 23285-5075

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Federal National Mortgage Association
3900 Wisconsin Avenue

End of Label Matrix	
Mailable recipients	37
Bypassed recipients	1
Total	38



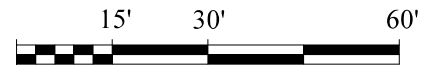
W.R. WALLACE LLC

Land Surveying Services
www.wrwallacesurveying.com

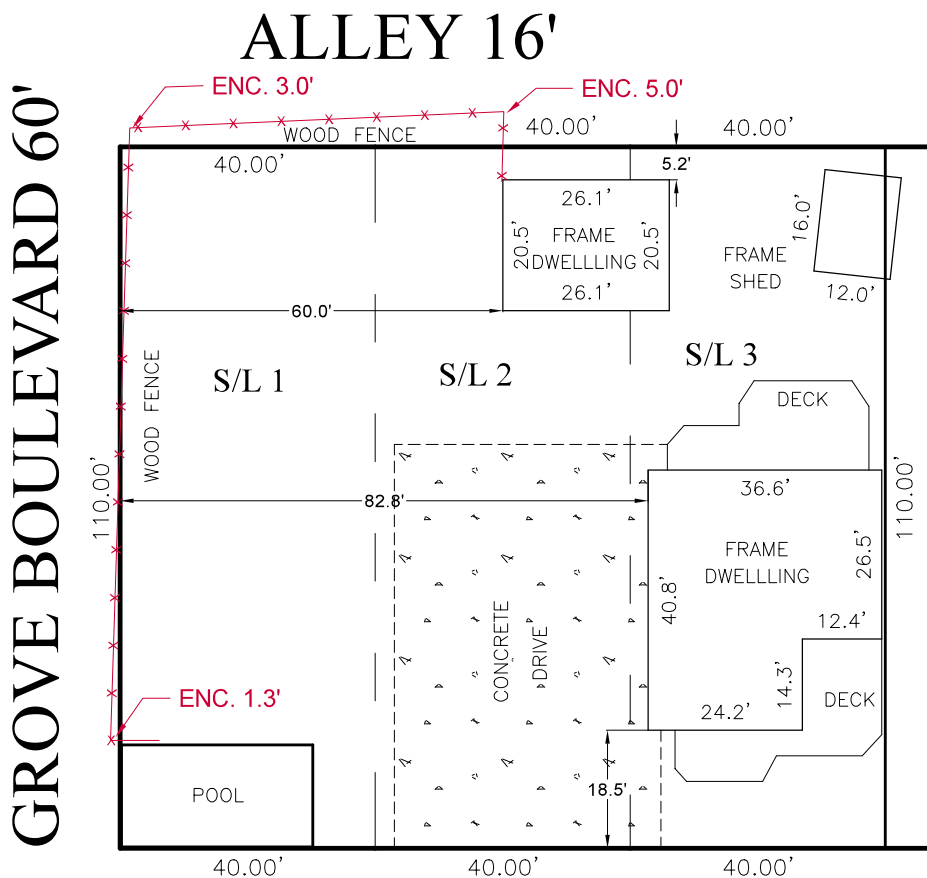
1077 Middlefield Trail
Brunswick, Ohio 44212
(216) 789-4135

PRESENT OWNER: JEFFREY S. & GLENDA CARMAN
NEW OWNER:
ORDER NO:
IMPROVEMENTS:

ADDRESS: 2111 & 2113 HARRISON AVENUE, LORAIN, OHIO 44055
SUBLOT(S): 1, 2 & 3, BLOCK K
ORIGINAL LOT NO(S): 109
SUBDIVISION: LORAIN HEIGHTS ALLOTMENT
ORIGINAL TOWNSHIP: SHEFFIELD
PLAT VOL. NO: 6 PAGE: 21
RECORDED IN LORAIN COUNTY RECORDS
PERMANENT PARCEL NO: 03-00-109-112-008, 009 & 010



SCALE: 1" = 30'
DATE: DECEMBER 24, 2019



HARRISON AVENUE 50'

I hereby declare that the building(s) situated in the described real estate are located on and within the boundaries of said premises unless shown otherwise. This survey was not performed for the purpose of establishing boundary lines, and should not be used as a boundary or land survey. This Mortgage Location Survey is in Accordance with the Ohio Administrative Codes 4733-38 and 4733-37.

William R. Wallace

WILLIAM R. WALLACE P.S.
Registered Professional Surveyor No. 8288
Job No. 2019030